

Committee on Resources

Witness Testimony

**STATEMENT OF ROBERT C. JOSLIN
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UNITED STATES DEPARTMENT OF AGRICULTURE
Before the Subcommittee on National Parks and Public Lands
Concerning
H.R. 588 "National Discovery Trails Act of 1997"
June 10, 1997**

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE: We appreciate the opportunity to provide the views of the Department of Agriculture regarding legislation for the National Discovery Trails Act of 1997.

The Department of Agriculture does not object to the creation of a new category of trails as proposed by H.R. 588, the National Discovery Trails Act of 1997. The Administration provided testimony on a similar bill, S. 1725, on May 16, 1996, before the Subcommittee on National Parks, Historic Preservation, and Recreation, of the Senate Energy and Natural Resources Committee. However, because the review of the feasibility report that was required under P.L. 102-461 was incomplete, the Administration could not support the bill at that time. That study has since been completed and was sent to Congress on July 15, 1996.

The provisions of P.L. 102-461 provided for the study of the American Discovery Trail as a possible National Scenic Trail. The American Discovery Trail, upon designation, would be the longest trail in the system covering over 6,000 miles, reaching from Point Reyes National Seashore in California across the United States to Henlopen State Park and the Atlantic Ocean in Delaware.

The National Trails System Act consists of 8 national scenic trails, 12 national historic trails, and over 800 national recreation trails. The Forest Service is responsible for overall management of more than 125,000 miles of trails in the National Forest System. Trails are a key ingredient to a wonderful outdoor recreational and scenic experience. In fact, over 30 million recreation visitor days are spent each year on trails in the national forests.

The success of a long-distance trail such as the American Discovery Trail is dependent on strong state and local support in conjunction with public and private partners. Working cooperatively through partnerships and volunteer groups, as stated in the National Trails System Act (NTSA), will be the essential element of the success of the American Discovery Trail.

The NTSA provides very broad authority for the Secretaries of Agriculture and the Interior to work with state and local governments, private organizations, and landowners in the planning, establishment and maintenance of trails. In particular, the 1983 amendments to the Act provided broad authorities under section 7(h) to enter into cooperative agreements with these entities to operate, develop, and maintain designated trails and under section 11, to assist volunteering organizations in planning, developing, maintaining, and managing trails.

H.R. 588 would amend the NTSA "to create a new category of long-distance trails to be known as national discovery trails and to authorize the American Discovery Trail as the first national discovery trail." While the Department of Agriculture does not object to the enactment of this bill, we wish to raise two concerns with regard to planning and administering the trail and to offer several suggestions to the Subcommittee as it

considers H.R. 588.

We are concerned about how the American Discovery Trail would be administered by the nonprofit organization. While the existing National Trails System Act provides broad authority for working with private organizations, the Act has always retained ultimate responsibility and accountability with the Secretary charged with administration of a trail. Even the Appalachian National Scenic Trail, the ultimate success story of nonprofit cooperation, provides for administration by the Secretary of the Interior in consultation with the Secretary of Agriculture.

H.R. 588 creates the new concept of administration by the Secretary of the Interior "in cooperation with a competent trailwide nonprofit organization and other affected land management agencies." We do not know what type of legal mandate is involved with the term "cooperation" either on the part of the administering Secretary who must assume ultimate responsibility for this trail, or on the part of the Federal land managing agency that manages land over which a national discovery trail would pass.

Additionally, this provision requires the administering Secretary to cooperate with "a" competent nonprofit organization. This presumably implies that only one nonprofit organization will be involved in administration for a 6,000 mile trail. We believe that is unduly restrictive. For example, we note that over 31 trail clubs help to manage the 2,100 miles of the Appalachian Trail. We recommend changing the bill to include "one or more private non-federal entities" which would then provide the opportunity to optimize the benefits to the public and build collaborative stewardship among the public, the nonprofit organizations, and the Federal Government.

We are also concerned with the provisions in the planning requirements. Section 2(c) of the bill would require that "the administering Federal agency shall enter into arrangements with a competent trailwide nonprofit organization to submit a comprehensive plan" It is unclear who has the ultimate responsibility for preparing and transmitting the comprehensive plan to Congress. It is inherently inconsistent to charge the Secretary with the authority to administer the trail and then relegate that Secretary's role in the essential planning to that of a consultant. Nonprofit organizations are not responsible to the public or the Congress or, for that matter, for Federal appropriations, or for consistency with other trail management policies. Allowing non-Federal organizations to be responsible for land management decisions made in the comprehensive plan also raises concerns under the Federal Advisory Committee Act. Only the administering Secretary can assume those responsibilities and should, therefore, be the one responsible for preparing and submitting any management plan to the Congress. We recommend that the bill be amended to say that the comprehensive management plan would be prepared by the administering Secretary in consultation with the management entity, and that the Secretary would transmit the plan to Congress.

In summary, the Department of Agriculture does not object to the designation of the ADT and would be happy to work with the Subcommittee to address our concerns raised here today.

This ends my statement and I will be happy to answer your questions on this bill.

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